REMARKS

Claims 1, 8-12 and 47-52 are pending in the application. Claims 1 and 47 have been amended. Applicant respectfully requests reconsideration of the application in view of the following remarks.

Claim 1 has been rejected under 35 U.S.C. §102 (b) as being anticipated by U.S. Patent No. 5,136,207 (Miyake et al.). Claims 1, 8 and 9 have been rejected under 35 U.S.C. §102 (b) as being anticipated by U.S. Patent No. 5,509,840 (Huang et al.). Claims 47-50 have been rejected under 35 U.S.C. §102 (e) as being anticipated by U.S. Patent No. 6,168,737 (Poco et al.). Claims 10-12 have been rejected under 35 U.S.C. §103 (a) as being unpatentable over Huang et al. Claims 51 and 52 have been rejected under 35 U.S.C. §103 (a) as being unpatentable over Poco et al. Applicant respectfully traverses these rejections and respectfully requests that they be withdrawn as being moot in view of the foregoing amendments to claims 1 and 47.

As evident from the amendments, both independent claims 1 and 47 more clearly state that the claimed invention is directed to a method of forming a layer of fixed geometry which includes the step of depositing a precursor "wherein said depositing step is performed using chemical vapor deposition, and wherein a gas phase reaction during the chemical vapor deposition results in a product that condenses to form the precursor in a substantially liquid form on walls of the openings."

Nothing in Miyake et al., Huang et al. or Poco et al. discloses (or renders obvious) the depositing step as recited in claims 1 and 47. Instead, these references all disclose the deposition of material using "solution chemistry" which involves pouring a solution into a mold to create the desired layer of fixed geometry. None of these references involves a step of "depositing" which is "performed using chemical vapor deposition," and certainly does not involve "a gas phase reaction . . . [that] results in a

product that condenses to form the precursor in a substantially liquid form on walls of the openings," as required in each of claims 1 and 47.

For these reasons alone Miyake et al., Huang et al. and Poco et al. all fail to anticipate (and render obvious) Applicant's invention as recited in independent claims 1 and 47. Applicant respectfully submits therefore that the rejection of claims 1 and 47 based on these prior art references should be reconsidered and withdrawn.

As claims 8-12 and 48-52 are respectively dependent on independent claims 1 and 47, these dependent claims are patentable over the prior art for the same reasons given above with respect to claims 1 and 47, respectively. Applicant respectfully requests therefore that the rejection of dependent claims 8-12 and 48-52 be reconsidered and withdrawn for the same reasons.

Claims 1 and 47-52 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,716,077. The rejections of these claims have been rendered moot in view of the amendments to claims 1 and 47 above. Applicant therefore respectfully requests that these rejections be reconsidered and withdrawn.

In view of the foregoing, Applicant respectfully requests reconsideration and solicits early allowance of the application with claims 1, 8-12 and 47-52.

Applicant hereby petitions for any extension of time which may be necessary to have this Amendment considered. Applicant hereby authorizes the Director to debit our Account No. 04-1073 (under Order No. M4065.0242/P242-B) for any fees deemed necessary for that purpose.

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Respectfully submitted,

By _____

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